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Federal Bureau of Prisons
Washington, DC

**Office of Internal Affairs
Report for Fiscal Year 2013**



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Executive Summary of Findings

- There was a 1.3 percent decrease in the number of cases opened in Fiscal Year 2013 as compared with Fiscal Year 2012. The rate of reported misconduct among BOP employees decreased 2.8 percent from Fiscal Year 2012.
- Cases classified as Classification 1 offenses showed an increase of 7.2 percent over those opened in Fiscal Year 2012, while cases classified as both Classification 2 and 3 offenses showed a decrease (2.7 percent and 4.9 percent, respectively).
- The most frequently reported type of misconduct in Fiscal Year 2013 was Unprofessional Conduct. Abuse of Inmates and Other On-Duty Misconduct placed second and third, respectively.
- The only categories of reported misconduct which showed an increase from Fiscal Year 2012 were Discrimination, Unauthorized Release of Information, Sexual Abuse of Inmates, Inattention to Duty, and Abuse of Inmates. The largest decreases occurred in the categories of Failure to Follow Policy, Fiscal Improprieties, and Bribery.
- During Fiscal Year 2013, 14 cases involving Patriot Act Violations were opened. As of September 30, 2013, 10 cases remained open pending investigation, and 4 cases were closed. No allegations of misconduct were sustained.
- The most frequently sustained category of misconduct among BOP employees with a sustained decision as of September 30, 2013, was Personnel Prohibitions, followed by Unprofessional Conduct, and Other On-Duty Misconduct.
- The sustained rate of misconduct for male BOP employees for whom a decision had been made as of September 30, 2013, was 1 employee per 100 total male BOP staff, while the sustained rate of misconduct for female BOP employees for whom a decision had been made as of September 30, 2013, was .9 employees per 100 total female BOP staff.
- The most frequently sustained category of misconduct among male BOP employees for whom a decision had been made as of September 30, 2013, was Unprofessional Conduct, while the most frequently sustained categories of misconduct among female BOP employees for whom a decision had been made as of September 30, 2013, were Fiscal Improprieties and Inattention to Duty.
- For those BOP employees with a sustained decision as of September 30, 2013, the rate was highest among Residential Reentry Management staff (3.8 per 100 total Residential Reentry Management staff). Although the absolute number of sustained decisions was low (i.e., only 1), the per capita rate was nonetheless the highest given the relatively low number of Residential Reentry Management staff in the agency.

Executive Summary of Findings

- For those BOP employees with a sustained decision as of September 30, 2013, the rate was slightly higher for non-bargaining unit employees than for bargaining unit employees (1 per 100 total non-bargaining unit employees vs. .9 per 100 total bargaining unit employees).
- For those contract Residential Reentry Center employees with a sustained decision as of September 30, 2013, the most frequently sustained category of misconduct was Inappropriate Relationships with Inmates. This was also true for those staff in privatized facilities with a sustained decision as of September 30, 2013.
- As of September 30, 2013, 3 allegations of Physical Abuse reported during Fiscal Year 2013 were sustained. The inmates involved sustained minor/no injuries. None of the subjects involved were criminally prosecuted.
- As of September 30, 2013, 24 allegations of Introduction of Contraband reported during Fiscal year 2013 were sustained, involving 22 individuals. Six involved the introduction of soft contraband, 3 involved the introduction of weapons, 12 involved the introduction of unauthorized electronic devices, and 3 involved the introduction of Creatine/weightlifting supplements. None of the subjects involved were criminally prosecuted.
- As of September 30, 2013, 4 allegations of Sexual Abuse reported during Fiscal Year 2013 were sustained: 3 involved BOP employees and 1 involved an employee at a privatized facility. None of the subjects involved were criminally prosecuted.

Reporting Incidents of Misconduct

Staff Reporting

In accordance with the Bureau's Standards of Employee Conduct, staff who become aware of any violation or alleged violation of the Standards of Employee Conduct must report them to the Chief Executive Officer (CEO), the Office of Internal Affairs (OIA), or the Department of Justice (DOJ), Office of the Inspector General (OIG).

The OIG has established a toll-free hotline (1-800-869-4499) which is available to anyone wishing to report DOJ employees' misconduct, as well as fraud, waste, or abuse in government. All Bureau staff are encouraged to use the OIG hotline if they wish to remain anonymous or fear retaliation or reprisal.

To report violations directly to the OIA Central Office, please submit a written complaint to:

Federal Bureau of Prisons
Office of Internal Affairs
320 First Street, NW, Room 814
Washington, DC 20534

Written complaints may also be sent via fax to (202) 514-8625.

CEO Reporting

Upon becoming aware of any possible violation of the Standards of Employee Conduct (either through a report from staff or through personal knowledge, the CEO at the institution, Regional Office or Central Office Division, or his or her designee, is to report the violation to the OIA in accordance with the following time frames.

Classification 1 cases are defined as allegations which, if substantiated, would constitute a prosecutable offense (other than offenses such as misdemeanor arrests). Classification 2 cases are defined as allegations which involve violations of rules, regulations, or law that, if substantiated, would not likely result in criminal prosecution, but constitute serious misconduct. **Classification 1 and 2 cases must be reported telephonically to the OIA immediately.**

Written notification to the OIA will be made **within 24 hours** (not to include weekends and holidays) of the time management learns of the matter. When it is suspected that criminal conduct has occurred, the CEO may refer the matter **simultaneously** to the OIA and the local OIG or Federal Bureau of Investigation (FBI) office.

Unless the CEO and the Chief of the OIA agree to a different method, ordinarily, investigations involving Classification 3 cases are to be conducted using local resources. Classification 3 cases are defined as allegations of misconduct which ordinarily have less impact on institutional operations. Ordinarily, CEOs can proceed with local investigations on Classification 3

Reporting Incidents of Misconduct

misconduct allegations for staff occupying bargaining unit positions or GS-12 and below non-bargaining unit positions without first obtaining OIA approval. Written notification to the OIA will be made **within 24 hours** (not to include weekends and holidays) of the time management learns of the matter.

CEOs must notify the OIA before initiating investigations involving any misconduct alleged against management staff occupying GS-13 or above positions. The OIA will coordinate further action with the OIG.

Initial Information. A Referral of Incident form (BP-A715.012) is used to organize the information to be provided (for contract employees use form BP-A774.012). Include the following:

- The identity of the complainant(s), subject(s), witness(es), and victim(s);
- The details of the allegation(s); and
- Any corroborating evidence.

The subject of the allegation or complaint must not be questioned or interviewed prior to receiving clearance from the OIG and the OIA's approval. This is to ensure against procedural errors and to safeguard the rights of the subject.

Supporting Documentation. A Referral of Incident form (BP-A715.012) and all supporting documentation, such as victim or witness statements, medical reports, photos, and related memoranda, must be sent to the OIA **immediately but not later than 24 hours** after the telephonic report.

If an inmate alleges physical or sexual abuse by a staff member and has not received a medical examination, the CEO must arrange an immediate, confidential medical examination and forward a copy of the results to the OIA as soon as possible.

Contact the OIA immediately if there is any question as to the classification of the misconduct. It is important to note that case classifications are many times based on limited information. As an investigation unfolds, the severity of misconduct may increase or decrease, thereby moving it into another classification.

All Referral of Incident forms (BP-S715.012 or BP-S774.012) and appropriate predicated information will be sent to the OIA via e-mail to the OIA BOPNet GroupWise mailbox BOP-DIR/InternalAffairs-Referrals~. All documentation will be scanned in .pdf format (Adobe Acrobat) and saved as one file. The signed Referral of Incident form should appear on the top of the file with all supporting documentation underneath.

Review of Local Staff Misconduct Investigations

For **all** local staff misconduct investigations **completed on or after January 1, 2007**, the investigator must forward the complete investigative packet directly to the OIA for approval **prior** to forwarding it to the CEO for action. These procedures apply to **all** local staff misconduct investigations in which BOP employees are the subject (Classification 1, 2, and 3 allegations), regardless of whether any misconduct will be sustained.

Where to Send Local Investigative Packets

Local investigative packets should be sent via e-mail to the OIA GroupWise mailbox "BOP-DIR/Internal Affairs-Local Investigative Packets~" (not to be confused with OIA's main resource mailbox, "BOP-DIR/Internal Affairs~"). To ensure local investigative packets are reviewed by the OIA in a timely manner, they should **not** be sent to any individual OIA staff member or to any OIA field office. The subject of your e-mail message should include the OIA case number and the facility mnemonic code (e.g., 2007-00001-BUX).

Format for Local Investigative Packets and What to Send

Local investigative packets should include the investigative report (signed by the investigator) and all supporting documentation (affidavits, memorandums, video files, etc.). **Complete investigative packets must be forwarded; the Summary of Investigation for Classification 3 Cases form (BP-A716.012) is no longer applicable and should not be used.**

Documents must be scanned in .pdf format (Adobe Acrobat). Do not send documents in other formats (e.g., .tif files, .wpd files). Documents should be scanned in three groups, named as follows:

Investigative Report (OIA Case Number)
Affidavits and MOIs (OIA Case Number)
Supporting Documentation (OIA Case Number)

Photo images and graphic images may be forwarded in .jpg or .gif format.

Affidavit files should include the Warning and Assurance to Employee Required to Provide Information (BP-A194.012), if applicable, and the signed Oath for each individual. The investigative packet should not include national policy or any documents not specifically related to the investigation (e.g., staff rosters, inmate SENTRY information, etc.).

Review of Local Staff Misconduct Investigations

Time Guidelines

For Classification 1 or 2 allegations, local investigators should strive to complete and forward investigative packets to the OIA within 120 calendar days of the date a local investigation was authorized by the OIA. For classification 3 allegations, local investigators should strive to complete and forward investigative packets to the OIA prior to any disciplinary action being taken and within 120 calendar days of the date a local investigation was authorized by the CEO.

Once received, the OIA will complete their review of the local investigative packet within ten business days. The investigator will be advised as to whether the investigative packet is approved or if additional information is needed. This information will be sent via e-mail to the investigator with a copy to the CEO. If additional information is needed, the investigator should forward the additional information to the OIA within 30 calendar days, who will again notify the investigator and the CEO if the packet is approved. Once approved, the investigator should forward the investigative packet to the CEO for appropriate action with **all** Review of Local Investigative Packet forms applicable to that packet attached. **No disciplinary proceedings or other notifications to subjects should occur prior to the OIA's approval of the investigative packet.**

Reports from the OIA

The OIA sends the CEO a monthly report of all local staff misconduct investigations which have extended past established time frames. SIAs/SISs should continue to work with the monitoring agent assigned to their facility for guidance and to provide updates on outstanding matters.

Reported Misconduct

All allegations of misconduct received by the OIA are referred to the OIG for review and classification. The OIG determines which matters they will accept for investigation and possible criminal prosecution and defers other matters to the OIA for investigation. The OIA coordinates with the OIG and/or the FBI when investigations may lead to criminal prosecution or when there are allegations involving the abuse of an individual's Constitutional rights under Color of Law.

NOTES

Due to the dynamic nature of the OIA database, figures in this report are subject to change. During the course of an investigation, evidence may indicate circumstances other than those initially reported, causing data to be added, deleted, and/or changed. There is no nexus between reported and sustained allegations.

The number of subjects exceeds the number of cases throughout this report as some cases have multiple subjects. Also, some subjects may be charged with multiple types of misconduct in a single case, causing the number of allegations to be higher. Finally, individual employees may be subjects in more than one case.

Allegations referred to as "Inmate Related" included some type of inmate involvement, while allegations referred to as "Non Inmate Related" occurred in the workplace but did not include inmate involvement. For a complete list of the types of misconduct included in each category, please reference the Appendices section of this report.

For those matters deferred for investigation, the OIA determines, after consulting with BOP management officials, whether an on-site investigation is warranted or if the matter can be investigated at the local institution level. Allegations categorized as Classification 3 offenses are referred to the OIG via computer extract on a monthly basis.

During Fiscal Year 2013, the OIA opened 5,503 cases involving 6,609 BOP employees, 39 contract employees working in BOP facilities, 62 Public Health Service employees working in BOP facilities, 3 volunteers working in BOP facilities, 172 contract/residential reentry center employees, 7 drug treatment contractors, and 216 employees working in privatized facilities. These 5,503 cases represent a 1.3 percent decrease over the 5,574 cases opened during Fiscal Year 2012. The rate of reported misconduct among BOP employees decreased 2.8 percent from Fiscal Year 2012.

The 5,503 cases opened during Fiscal Year 2013 were classified as follows:

Classification 1	1,510
Classification 2	1,555
Classification 3	2,438

Cases classified as Classification 1 offenses showed an increase of 7.2 percent, while cases classified as both Classification 2 and Classification 3 offenses showed a decrease (2.7 percent and 4.9 percent, respectively).

Reported Misconduct

Table 1: Types of Reported Misconduct - FY 2013

Type of Misconduct	Number of Reported Allegations				% Change from 2012
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	
Unprofessional Conduct	964	551		1515	-7.7
Abuse of Inmates	1364			1364	+2.5
On-Duty Misconduct	562	741		1303	-9.6
Personnel Prohibitions		694	66	760	-7.1
Inattention to Duty	289	418		707	+10.1
Failure to Follow Policy	384	295		679	-19.7
Sexual Abuse of Inmates	675			675	+23.6
Inappropriate Relationships With Inmates	582			582	-7.5
Off-Duty Misconduct			574	574	-0.5
Breach of Security	223	319		542	-8.3
Fiscal Improprieties	120	410		530	-17.4
Introduction of Contraband	427	80		507	-8.7
Investigative Violations		181		181	-10.8
Unauthorized Release of Information	106	43		149	+25.2
Bribery	103	3		106	-10.9
Discrimination	29	2		31	+63.2

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2013. The only categories of reported misconduct which showed an increase from Fiscal Year 2012 were Discrimination (a 63.2 percent increase), Unauthorized Release of Information (a 25.2 percent increase), Sexual Abuse of Inmates (a 23.6 percent increase), Inattention to Duty (a 10.1 percent increase), and Abuse of Inmates (a 2.5 percent increase). The largest decreases occurred in the categories of Failure to Follow Policy (a 19.7 percent decrease), Fiscal Improprieties (a 17.4 percent decrease), and Bribery (a 10.9 percent decrease).

Reported Misconduct

USA Patriot Act

In the USA Patriot Act, Congress expressed concern about the potential abuse of individual civil rights and liberties by DOJ employees in the aftermath of September 11, 2001. Accordingly, the Patriot Act mandated that the OIG widely advertise that it receives and investigates allegations of such abuses. Patriot Act violations include violence, discrimination, or threats on the part of a DOJ employee, particularly when such cases are directed toward individuals or groups associated in the public perception with acts of terrorism because of their religious beliefs, place of birth, or appearance. Patriot Act allegations which typically come to our attention are alleged mistreatment or unprofessional behavior of BOP staff toward/around certain inmates, their visitors, or members of the public. **Due to the sensitivity of these allegations, they are automatically classified as Classification 2 or higher offenses; they should be forwarded immediately to the OIA.** All Patriot Act violation allegations are then referred to a Special Operations Unit at OIG Headquarters devoted to reviewing and investigating such misconduct.

Of the 5,503 cases opened during Fiscal Year 2013, 14 cases involved Patriot Act violations. As of September 30, 2013, 10 cases remained open pending investigation, and 4 cases were closed. No allegations were sustained.

Of the 5,574 cases opened during Fiscal Year 2012, 29 cases involved Patriot Act violations. As of September 30, 2013, 4 cases remained open pending investigation, and 25 cases were closed. No allegations were sustained.

Closed/Sustained Misconduct

NOTES

All figures in this section relate to cases which were opened during Fiscal Year 2013 and were closed as of September 30, 2013. Figures are subject to change as additional cases are closed.

Please refer to the appendices section of this report for the types of misconduct sustained against BOP employees in cases opened during Fiscal Year 2012.

As of September 30, 2013, a decision had been made on 1,796 (32.6 percent) of the 5,503 cases opened during Fiscal Year 2013. The remaining 3,707 cases (67.4 percent) were still open and being investigated. Of the 1,796 cases closed, the majority, 1,682 (93.7 percent), were investigated at the institution level with authorization and monitoring provided by the OIA. Of the 1,796 cases closed, 84 were OIA on-site investigations (4.7 percent), and 28 (1.6 percent) were investigated by the OIG. The remaining cases were investigated by the Office of Special Counsel (Hatch Act Violations).

Of the 1,796 cases closed, 392 (21.8 percent) were sustained. Misconduct was sustained

against 352 BOP employees, 3 contract employees working in BOP facilities, 7 PHS employees working in BOP facilities, 1 volunteer working in a BOP facility, 11 contract/residential reentry center employees, and 70 employees working in privatized facilities.

BOP Employees

There were 6,609 BOP employees identified as misconduct subjects in cases opened during Fiscal Year 2013. As of September 30, 2013, a decision had been made for 29.8 percent of those employees. Of the 29.8 percent (or 1,976 employees), 17.8 percent (352) had a sustained decision (a rate of .9 per 100 total BOP employees).

Of the 6,609 BOP employees for whom a case was opened during Fiscal Year 2013, 373 were unidentified.

Table 2 (on the following page) reflects the categories of misconduct sustained against BOP employees with a sustained decision as of September 30, 2013. The most frequently sustained category of misconduct was Personnel Prohibitions (Absent Without Leave made up 78.1 percent of all sustained misconduct within this category), followed by Unprofessional Conduct, and On-Duty Misconduct (Failure to Follow Supervisor's Instructions made up 40 percent of all sustained misconduct within this category).

Closed/Sustained Misconduct

Table 2: Types of Sustained Misconduct for BOP Employees - FY 2013 With 29.8 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		57	7	64
Unprofessional Conduct	27	32		59
On-Duty Misconduct	13	42		55
Inattention to Duty	21	30		51
Fiscal Improprieties	2	40		42
Failure to Follow Policy	17	24		41
Breach of Security	16	20		36
Off-Duty Misconduct			31	31
Introduction of Contraband	7	14		21
Inappropriate Relationships With Inmates	20			20
Investigative Violations		9		9
Unauthorized Release of Information	5	2		7
Abuse of Inmates	4			4
Sexual Abuse of Inmates	3			3
Bribery	2	0		2
Discrimination	0	0		0

- Disciplinary Action**

Once a subject is investigated and the allegations are sustained, the type of disciplinary action taken is left to the deciding official, who is generally the CEO. Each case is unique, and there are varying degrees of seriousness within each type of misconduct. Also, a single subject may be charged with multiple types of misconduct. The Douglas Factors must be considered when deciding the appropriate penalty to impose on employees for misconduct.

Closed/Sustained Misconduct

The Douglas Factors are an accumulation of historic Civil Services practices and procedures in cases involving civil servant misconduct, created by the Merit Systems Protection Board (MSPB) in the seminal Douglas case. In Douglas, the MSPB announced a non-exhaustive list of twelve factors which the BOP, like all federal agencies, must consider in determining appropriate penalties to impose in employee misconduct. The Douglas Factors are as follows:

- the nature and seriousness of the offense;
- the employee's job level and type of employment;
- the employee's disciplinary record;
- the employee's past work record, including length of service and duty performance;
- the effect of the offense on the employee's ability to perform and its effect on the supervisor's confidence in such ability;
- the consistency of the penalty with penalties imposed upon others for like or similar misconduct;
- the consistency of the penalty with the BOP's table of penalties (Program Statement 3420.11, Standards of Employee Conduct);
- the notoriety of the offense or its impact on the BOP's reputation;
- the clarity with which the employee was on notice of any rules violated or warned about the conduct in question;
- the employee's potential for rehabilitation;
- any and all mitigating circumstances surrounding the offense (e.g., job stress/tension, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved);
- the adequacy and effectiveness of alternative sanctions.

The CEO is required to consider only those Douglas factors which are relevant to any individual and need not consider all the Douglas Factors in every case. In many cases, some of the Douglas Factors may suggest one type of penalty while others suggest another penalty. It is for the CEO to choose the appropriate penalty.

Closed/Sustained Misconduct

The following actions were taken against (or by) those BOP employees with a sustained decision.

Written Reprimand.....	112
Suspension	90
No Action.....	59
Resignation	45
Termination.....	20
Retirement.....	16
Combined with Action in Another OIA Matter.....	7
Oral Reprimand.....	1
Other	1
Demotion.....	1

The specific type of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken was Misuse of Travel Charge Card (17.9 percent of all sustained misconduct for staff in this group).

- **Gender**

There were 4,902 male BOP employees identified as misconduct subjects in Fiscal Year 2013. As of September 30, 2013, a decision had been made for 30.4 percent of those 4,902 male employees. Of the 30.4 percent (or 1,489 male employees), 17.6 percent (262) had a sustained decision (a rate of 1 employee per 100 total male BOP staff).

There were 1,334 female BOP employees identified as misconduct subjects in Fiscal Year 2013. As of September 30, 2013, a decision had been made for 29 percent of those 1,334 female employees. Of the 29 percent (or 387 female employees), 23.3 percent (90) had a sustained decision (a rate of .9 employees per 100 total female BOP staff).

Tables 3 and 4 (on the following pages) reflect the categories of sustained allegations for male and female BOP employees with a sustained decision as of September 30, 2013. The most frequently sustained category of misconduct among male BOP employees was Unprofessional Conduct (15.2 percent of all sustained misconduct by male staff), while Fiscal Improprieties and Inattention to Duty were the most frequently sustained categories of misconduct among female BOP employees (13.8 percent each of all sustained misconduct by female staff). The specific type of Fiscal Impropriety most frequently sustained against female BOP employees was Misuse of Travel Charge Card (66.6 percent of all sustained Fiscal Impropriety allegations).

Closed/Sustained Misconduct

Table 3 - Types of Sustained Misconduct for Male BOP Employees - FY 2013 With 30.4 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Relate	Non Inmate Related	Off-Duty	TOTAL
Unprofessional Conduct	21	30		51
Personnel Prohibitions		44	6	50
On-Duty Misconduct	11	33		44
Inattention to Duty	16	20		36
Failure to Follow Policy	15	20		35
Fiscal Improprieties	2	25		27
Breach of Security	11	14		25
Off-Duty Misconduct			23	23
Introduction of Contraband	5	12		17
Inappropriate Relationships With Inmates	13			13
Investigative Violations		6		6
Unauthorized Release of Information	5	0		5
Bribery	2	0		2
Abuse of Inmates	0			0
Sexual Abuse of Inmates	1			1
Discrimination	0	0		0

Those categories of misconduct highlighted in red were sustained with greater frequency among male BOP staff than among female BOP staff.

Closed/Sustained Misconduct

**Table 4: Types of Sustained Misconduct for Female BOP Employees - FY 2013
With 29 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Fiscal Improprieties	0	15		15
Inattention to Duty	5	10		15
Personnel Prohibitions		13	1	14
On-Duty Misconduct	2	9		11
Breach of Security	5	6		11
Off-Duty Misconduct			8	8
Unprofessional Conduct	6	2		8
Inappropriate Relationships With Inmates	7			7
Failure to Follow Policy	3	4		7
Investigative Violations		3		3
Abuse of Inmates	2			2
Sexual Abuse of Inmates	2			2
Introduction of Contraband	2	2		2
Unauthorized Release of Information	0	2		2
Discrimination	0	0		0
Bribery	0	0		0

Those categories of misconduct highlighted in red were sustained with greater frequency among female BOP staff than among male BOP staff.

Closed/Sustained Misconduct

- **Job Discipline**

As of September 30, 2013, 352 BOP employees identified as misconduct subjects during Fiscal Year 2013 had a sustained decision. Table 5 reflects the rate of misconduct among the various job disciplines.

Table 5: Discipline of BOP Employees With Sustained Misconduct - FY 2013 With 29.8 Percent Closed			
Discipline	Number of Employees With Sustained Misconduct	Total Employees	Rate Per 100 Total Employees
Residential Reentry Management	1	26	3.8
Health Services/Safety	40	2,628	1.5
Food Services	23	1,675	1.4
Correctional Services	183	17,018	1.1
UNICOR	9	813	1.1
Unit Management	32	3,336	1.0
Religious Services	3	325	.9
Inmate Services	2	223	.9
Education & Vocational Training	9	1,070	.8
Computer Services	2	246	.8
Records/Inmate Systems	9	1,066	.8
CEO's Office and Staff	6	942	.6
Business Office	9	1,774	.5
Recreation	3	775	.4
Human Resources	2	461	.4
Facilities	10	2,454	.4
Central Office/National Institute of Corrections	6	1,372	.4
Psychology Services	3	1,199	.3
Training Centers	0	72	0

Unprofessional Conduct was sustained against the one Residential Reentry Management employee with sustained misconduct as of September 30, 2013. The most frequently sustained type of misconduct among Health Services/Safety staff was Inattention to Duty (16.3 percent of

Closed/Sustained Misconduct

all misconduct among staff in this group). The most frequently sustained type of misconduct among Food Services staff was Unprofessional Conduct (18.5 percent of all misconduct among staff in this group).

- **Bargaining vs. Non-Bargaining Unit Staff**

Of the 352 BOP employees with a sustained decision as of September 30, 2013, 289 were bargaining unit employees and 63 were non-bargaining unit employees. The rate of sustained misconduct among bargaining unit employees was .9 per 100 total bargaining unit employees, while the rate of sustained misconduct among non-bargaining unit employees was 1 per 100 total non-bargaining unit employees.

Residential Reentry Center Employees

There were 172 contract/residential reentry center employees identified as misconduct subjects in Fiscal Year 2013. As of September 30, 2013, a decision had been made for 52.9 percent of those 172 employees. Of the 52.9 percent (or 91 employees), 12.1 percent (11) had a sustained decision. It is significant to note that an administrative disposition was recorded for 56 percent of those employees for whom a decision had been made, indicating the employee either resigned or their employment was terminated prior to an investigation being conducted. Thus, the 12.1 percent sustained rate is likely an extremely conservative figure.

Table 6 (on the following page) provides a breakdown of the types of misconduct sustained against contract/residential reentry center employees. The most frequently sustained category of misconduct was Inappropriate Relationship with Inmates, which made up 37.5 percent of all sustained misconduct among staff in this group.

Closed/Sustained Misconduct

**Table 6: Types of Sustained Misconduct for Contract/Residential Reentry Center Employees - FY 2013
With 52.9 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Inappropriate Relationships With Inmates	6			6
Unprofessional Conduct	3	0		3
Failure to Follow Policy	2	0		2
Abuse of Inmates	1			1
Fiscal Improprieties	1	0		1
Off-Duty Misconduct			1	1
Breach of Security	1	0		1
Sexual Abuse of Inmates	0			0
Introduction of Contraband	0	0		0
Discrimination	0	0		0
Bribery	0	0		0
Investigative Violations		0		0
Personnel Prohibitions		0	0	0
Unauthorized Release of Information	1	0		0
On-Duty Misconduct	0	0		0
Inattention to Duty	0	0		0

Staff in Privatized Facilities

There were 216 employees working in privatized facilities identified as misconduct subjects during Fiscal Year 2013. As of September 30, 2013, a decision had been made for 55.1 percent of those 216 employees. Of the 55.1 percent (or 119 employees), 58.8 percent (70) had a sustained decision.

Table 7 (on the following page) provides a breakdown of the categories of misconduct sustained against employees working in privatized facilities. The most frequently sustained category of

Closed/Sustained Misconduct

misconduct for staff working in privatized facilities was Inappropriate Relationship with Inmates, which made up 26.9 percent of all misconduct among staff in this group.

Table 7: Types of Sustained Misconduct for Staff in Privatized Facilities - 2013 With 55.1 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Inappropriate Relationships With Inmates	21			21
On-Duty Misconduct	13	7		20
Unprofessional Conduct	9	1		10
Failure to Follow Policy	8	0		8
Inattention to Duty	4	1		5
Investigative Violations		3		3
Personnel Prohibitions		3	0	3
Breach of Security	3	0		3
Off-Duty Misconduct			2	2
Abuse of Inmates	1			1
Sexual Abuse of Inmates	1			1
Unauthorized Release of Information	1	0		1
Introduction of Contraband	0	0		0
Discrimination	0	0		0
Fiscal Improprieties	0	0		0
Bribery	0	0		0

Closed/Sustained Misconduct

Contract Employees and Volunteers Working in BOP Facilities

There were 39 contract staff and 3 volunteers working in BOP facilities identified as misconduct subjects during Fiscal Year 2013.

As of September 30, 2013, a decision had been made for 33.3 percent of the 39 contract employees. Of the 33.3 percent (or 13 contract employees), 23.1 percent (3) had a sustained decision. Two allegations of On-Duty Misconduct were sustained against staff in this group and one allegation each of Fiscal Improprieties, Unauthorized Release of Information, Inattention to Duty, and Unprofessional Conduct were sustained.

As of September 30, 2013, a decision had been made for 66.7 percent of the 3 volunteers. Introduction of Contraband and Inappropriate Relationships with Inmates were sustained against one of these individuals.

PHS Employees Working in BOP Facilities

Of the approximately 884 PHS employees working in BOP facilities, 62 were identified as misconduct subjects during Fiscal Year 2013 (or 7 per 100 PHS employees). As of September 30, 2013, a decision had been made for 27.4 percent of those 62 PHS employees. Of the 27.4 percent (or 17 PHS employees), 41.2 percent (7) had a sustained decision, for a sustained rate of .8 per 100 total PHS employees working in BOP facilities.

The most frequently sustained categories of misconduct among PHS employees were On-Duty Misconduct and Inattention to Duty (3 sustained allegations each). One allegation each of Introduction of Contraband, Fiscal Improprieties, Breach of Security, and Failure to Follow Policy were sustained.

Physical Abuse of Inmates

Title 18, United States Code, Chapter 13 - Civil Rights

§241 Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured --

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

§242 Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or may be sentenced to death.

- **Statistics**

During Fiscal Year 2013, 591 allegations of Physical Abuse of Inmates were either reported to the OIA or detected during the course of an investigation. As of September 30, 2013, a decision had been made for 38.2 percent (or 226) of those allegations. Allegations of Physical Abuse are tracked by the degree of injury sustained by the inmate(s)--life threatening injury, serious injury, minor/slight injury, minor/no injury (harassment), and superficial injury (injuries associated with the normal use of restraints). Three allegations of Physical Abuse reported during Fiscal Year 2013 were sustained as of September 30, 2013. The inmates involved sustained minor/no injuries. None of the subjects involved (one female BOP employee, one

Physical Abuse of Inmates

contract/residential reentry center employee, and 1 employee at a privatized facility) were criminally prosecuted.

Introduction of Contraband

Title 18, United States Code, Chapter 87 - Prisons

§1791 Providing or possessing contraband in prison

(a) Offense.-Whoever-

(1) In violation of a statute or a rule or order issued under a statute, provides to an inmate of a prison a prohibited object, or attempts to do so; or

(2) being an inmate of a prison, makes, possesses, or obtains, or attempts to make or obtain, a prohibited object;

shall be punished as provided in subsection (b) of this section.

(b) Punishment.-The punishment for an offense under this section is a fine under this title or-

(1) imprisonment for not more than 20 years, or both, if the object is specified in subsection (d)(1)(C) of this section;

(2) imprisonment for not more than 10 years, or both, if the object is specified in subsection (d)(1)(A) of this section;

(3) imprisonment for no more than 5 years, or both, if the object is specified in subsection (d)(1)(B) of this section;

(4) imprisonment for no more than one year, or both, if the object is specified in subsection (d)(1)(D) or (c)(1)(E) of this section; and

(5) imprisonment for not more than six months, or both, if the object is specified in subsection (d)(1)(F) of this section.

(c) Any punishment imposed under subsection (b) for a violation of this section by an inmate of a prison shall be consecutive to the sentence being served by such inmate at the time the inmate commits such violation.

(d) Definitions.-As used in this section-

(1) the term “prohibited object” means-

(A) a firearm or destructive device or a controlled substance in Section I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection;

(B) marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection, ammunition, a

Introduction of Contraband

weapon (other than a firearm or destructive device), or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison;

(C) a narcotic drug, methamphetamine, its salts, isomers, and salts of its isomers, lysergic acid diethylamide, or phencyclidine;

(D) a controlled substance (other than a controlled substance referred to in subparagraph (A), (B), or (C) of this subsection) or an alcoholic beverage;

(E) any United States or foreign currency; and

(F) any other object that threatens the order, discipline, or security of a prison, or the life, health, or safety of an individual;

(2) the terms “ammunition,” “firearm,” and “destructive device” have, respectively, the meanings given those terms in section 921 of this title;

(3) the terms “controlled substance” and “narcotic drug” have, respectively, the meanings given those terms in section 102 of the Controlled Substances Act (21 USC, §802); and

(4) the term “prison” means a Federal correctional, detention, or penal facility or any prison, institution, or facility in which persons are held in custody by direction of our pursuant to a contract or agreement with the Attorney General.

- **Statistics**

During Fiscal Year 2013, 506 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of September 30, 2013, a decision had been made for 21.7 percent (or 110) of those allegations. As of September 30, 2013, 24 allegations of Introduction of Contraband reported during Fiscal Year 2013 were sustained:

Type of Contraband	Inmate Related	Non Inmate Related
Soft Item	4	2
Weapons	0	3
Unauthorized Electronic Device	2	10
Creatine/Weightlifting Supplements	3	0

Twenty-two individuals were involved in the sustained allegations of Introduction of Contraband. Twenty of these individuals were BOP employees (11 male Correctional Services employees, 1 female Correctional Services employee, 3 male Food Service employees, 1 male Recreation employee, 1 male UNICOR employee, 1 male Facilities employee, 1 female Unit Management employee, and 1 female Education & Vocational Training employee), 1 was a PHS

Introduction of Contraband

employee working in a BOP facility, and 1 was a volunteer working in a BOP facility. None of these individuals were criminally prosecuted.

Sexual Abuse of Inmates

Title 18, United States Code, Chapter 109A - Sexual Abuse

§2241 Aggravated Sexual Abuse

(a) By force or threat. - Whoever, in the special maritime or territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act -

(1) by using force against that other person, or

(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b) By other means. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly -

(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby -

(A) substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

§2242 Sexual Abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly -

(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or

Sexual Abuse of Inmates

(2) engages in a sexual act with another person if that other person is -

- (A) incapable of appraising the nature of the conduct; or
- (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so shall be fined under this title and imprisoned for any term of years or for life.

§2243 Sexual Abuse of a Ward

(b) Of a ward - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who is -

- (1) in official detention; and
- (2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

§2244 Abusive Sexual Contact

(a) Sexual contact in circumstances where sexual acts are punished by this chapter. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes sexual contact with or by another person, if so to do would violate -

- (1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;
- (2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;
- (3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;
- (4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both.
- (5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.

Sexual Abuse of Inmates

(b) In Other Circumstances. - Whoever, in the special maritime and territorial jurisdiction of the United States, or a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of our pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned no more than two years, or both.

§ 2246 Definitions

(1) the term "prison" means a correctional, detention, or penal facility;

(2) the term "sexual act" means -

(A) contact between the penis and the vulva or the penis and the anus, and for the purposes of this subparagraph, contact involved the penis occurs upon penetration, however slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(C) the penetration, however slight, of the anal or genital opening by another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(3) the term "sexual contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(4) the term "serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(5) the term "official detention" means -

(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of an arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal

Sexual Abuse of Inmates

proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

(B) custody by a Federal officer or employee, or under the direction of a Federal Officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; but does not include supervision or under control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a juvenile delinquency.

- **Statistics**

During Fiscal Year 2013, 675 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. Of the 675 allegations, 614 involved BOP employees, 3 involved contract employees working in BOP facilities, 1 involved a PHS employee working in a BOP facility, 1 involved a volunteer working in a BOP facility, 29 involved staff working in contract/halfway house facilities, and 27 involved staff working in privatized facilities.

The types of allegations reported with the most frequency were Unprofessional Conduct of a Sexual Nature between male staff and male inmates (226 reported allegations) and Abusive Sexual Contact (§2244) between male staff and male inmates (139 reported allegations).

As of September 30, 2013, 4 allegations of Sexual Abuse reported during FY 2013 were sustained. Of the 4 allegations 3 involved BOP employees and 1 involved an employee in a privatized facility. Three hundred eighty nine allegations reported during FY 2013 were pending.

Unprofessional Conduct of a Sexual Nature (Male Staff/Male Inmate)

Unprofessional Conduct of a Sexual Nature between a male Food Service employee at FMC Rochester and two male inmates. The OIG deferred this matter to the BOP for administrative resolution. The subject asked a male staff member and the two inmates, "Would you suck a wiener for one million dollars?" The subject was suspended for five days. (2013-01541/OIG 2013002115)

Unprofessional Conduct of a Sexual Nature (Female Staff/Male Inmate)

Unprofessional Conduct of a Sexual Nature between a female Health Services employee at MCFP Springfield and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted having a conversation with an inmate who was showering. The inmate's penis was erect, and the subject told the inmate his penis was not the biggest the subject had seen. The subject resigned her employment. (2013-00438/OIG 2013000556)

Sexual Abuse of Inmates

Unprofessional Conduct of a Sexual Nature between a female employee at the Rivers Correctional Institution and a male inmate. This matter was investigated by the OIG. When interviewed by the OIG the subject denied having a sexual relationship with the inmate. Subsequent to the interview the subject resigned her employment without giving advance notice and providing no reason for her resignation. The inmate refused to be interviewed. The OIG reviewed copies of letters obtained from the inmate's property, all of which were signed "Seven." The letters contained sexually-suggestive phrases referencing sexual encounters between "Seven" and the inmate. Known writings obtained from the subject's personnel records were forensically analyzed for comparison to copies of the letters recovered from the inmate's property. A comparative examination of the exhibits concluded the subject "probably" wrote the letters. Due to the subject's resignation and the inmate's refusal to be interviewed, the OIG was unable to positively ascertain the exact nature and extent of their relationship. The U.S. Attorney's Office for the Western District of North Carolina declined prosecution. (2013-00537/OIG 2013000728)

Unprofessional Conduct of a Sexual Nature between a female Records/Inmate Systems employee at FCI Phoenix and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted she had a personal relationship with the inmate, and she communicated with the inmate through letters and cards. The subject admitted, and the evidence substantiated, that some of the communications included sexual thoughts and fantasies. The subject resigned her employment. (2013-00869/OIG 2013001230)

Representative Case Summaries

Absent Without Leave

A Health Services/Safety employee failed to report for duty. Since she did not have any earned leave or approved Leave Without Pay (LWOP), the employee was placed on Absent Without Leave (AWOL). The employee was advised that any future requests for LWOP would only be approved if accompanied by acceptable medical documentation. The subject was issued an eight-point letter which identified areas which needed to be addressed by a physician. The employee provided her supervisor with medical documentation which did not address the issues raised in the eight-point letter. The employee was granted 168.5 hours of LWOP and placed on AWOL for 554 hours. The subject resigned her employment. (2013-06434)

Failure to Follow Supervisor's Instructions/Unprofessional Conduct

A Unit Management employee created the work schedules for two separate unit management teams using a single seniority roster after being instructed not to do so. Although the employee said he combined seniority lists and rosters because "the result was the same," he admitted his supervisor told him the work schedules for each unit team must be created separately. Further, the employee admitted he was angry and he "may have said something about going postal." He also admitted that out of anger he told the warden he could see himself "popping the Associate Warden in the face." Failure to Follow Supervisor's Instructions and Unprofessional Conduct were sustained. Disciplinary action in this case was combined with that in another case, and the subject was demoted. (2013-01037)

Unprofessional Conduct

A Correctional Services employee entered a dormitory at approximately 11:45 p.m. for his morning watch shift. The dormitory is split into two sides, A and B, with a grill separating the two sides. The grill is supposed to be secured when the lights are turned off at 10:00 p.m. The employee secured the grill in preparation for the 12:00 a.m. count. Two inmates came from the A side asking to be let through to the B side. The employee wrote both inmates an incident report for being in an unauthorized area. The employee then stated to one of the inmates, "How many times have I told you motherfuckers that at lights out you have to be on the side your bunk is on." The subject was suspended for one day. (2013-05067)

A Recreation Specialist stated she removed some offensive photos from the walls of the staff office in Recreation. One was of an opossum and another was of people being sprayed with a powerful hose. The Recreation Specialist returned to the office a few days later to find the photos had been enlarged and redisplayed, and more photos had been added to the display. One of the new photos depicted a lion in the jungle and was attached to a memorandum sent by the Attorney General notifying staff of the hiring of the new BOP Director. Another photo showed two lesbian women embracing and kissing one another with a caption which stated, "Navy, it's not just a job, it's an adventure. Let the journey begin." This same photo was pasted to a memorandum regarding the Lesbian, Gay, Bisexual, and Transgender Program. An investigation

Representative Case Summaries

revealed a Recreation employee printed the photos using a government computer and posted them on the wall. The Recreation employee was suspended for one day. (2012-02275)

Inattention to Duty/Breach of Security

A staff member placed his personal bag on the counter and walked through the metal detector. The metal detector alerted. The staff member picked up the bag and entered the institution without being further screening using the X-ray machine. The screening officer (a Correctional Services employee) also failed to look inside the bag to determine its contents. The Correctional Services employee also breached the security of the institution by allowing an official visitor to enter the institution with his cellular telephone. The visitor retrieved the cellular telephone from his shirt pocket during a meeting with institution staff. The staff member's employment was terminated during his probationary period. (2013-04298)

Inattention to Duty

A staff member opened the door to a medical room to allow an inmate to clean the room. The staff member found staff random drug test paperwork lying on the printer in the room. The paperwork was left on the printer in an area accessible to other staff members by a Health Services/Safety employee. The staff member resigned her employment. (2013-00009)

Misuse of Travel Charge Card

A Business Office employee made a purchase at a local restaurant using her government-issued travel charge card. The employee stated she inadvertently used her travel charge card to pay for her lunch. No disciplinary action was taken. (2013-05586)

Failure to Follow Policy

A Food Service employee inadvertently took institution keys home with her. When she became aware she possessed the keys, she failed to immediately return them to the institution as required by Program Statement 5500.11. Further, Food Service post orders state the keys will be turned in to the Control Center when departing. The staff member received a written reprimand. (2013-00058)

Falsification of Documents

An employee contacted the Inventory Management Specialist to schedule an accountable property inventory for the landscape detail. The Inventory Management Specialist informed the employee he already had a signed copy of the inventory. The employee learned a Facilities employee signed his (the employee's) name on the inventory. The Facilities employee was suspended for one day. (2013-01375)

Representative Case Summaries

Improper Contact With an Inmate

An inmate added a Unit Management employee's cellular telephone number to his inmate contact list. The inmate then called the Unit Management employee on three occasions. The inmate identified himself, and the recipient of the call is informed the call is coming from an inmate at a federal prison. The recipient is instructed to press 5 to accept the call or to hang up to decline the call. In all three instances, the Unit Management employee accepted the call. During one of the calls the inmate told the Unit Management employee he added her to his inmate contact list using a fictitious name. The inmate and the Unit Management employee also discuss their feelings for one another. The subject resigned her employment. (2013-01063)

Significant Prosecutions

Following are brief summaries of some of the significant or noteworthy prosecutions which were completed during Fiscal Year 2013. The individuals referenced are no longer employed by the BOP or any BOP contractor.

- The OIG predicated an investigation on allegations that staff at USP McCreary removed an inmate from a transport bus and assaulted him while the bus was parked at a gas station due to mechanical problems. The inmate had allegedly urinated on a correctional officer's seat shortly before the assault. When interviewed staff stated they observed a male Correctional Services employee punch the inmate twice in the face with his fist, then start to turn away before punching the inmate in the face twice more. The inmate was in full restraints at the time. Staff stated they did not see the inmate do anything to justify the use of force. The subject initially denied punching the inmate, then claimed that if in fact he had punched the inmate (to which he would not admit), the punches were justified. The subject pled guilty to a one count Information filed in the Eastern District of Tennessee charging him with assault, in violation of Title 18, USC, Section 113(a)(6). The subject was sentenced to two years of probation. (2009-02206/OIG 2009005323)
- The OIG predicated an investigation on information received from an inmate at the Eden Detention Center that staff were smuggling cocaine, marijuana, tobacco, and other contraband into the facility in exchange for monetary bribes. A Correctional Officer told the OIG he smuggled tobacco into the facility for an inmate on 15 occasions and received monetary bribes from the inmate's family and friends. The OIG determined the Correctional Officer received \$7,450 in money orders and wire transfers from the inmate's wife. The subject was arrested pursuant to a one-count indictment charging him with Bribery of Public Officials and Aiding and Abetting. The subject was sentenced to 18 months incarceration and 1 year supervised release and was ordered to pay a \$100 special assessment. The inmate was arrested pursuant to a one-count indictment charging him with Bribery of Public Officials and Aiding and Abetting. He was sentenced to 14 months incarceration (to be served consecutive to his current sentence) and 1 year supervised release and ordered to pay a \$100 special assessment. (2011-02469/OIG 2011004362)
- The OIG predicated an investigation on an allegation that a male Facilities employee at FCI Bennettsville provided marijuana, tobacco, and pornographic material to inmates in exchange for monetary bribes. Additionally, during a shakedown of the plumbing shop, a quantity of methamphetamine was discovered in a secured locker, and it purportedly came from the employee. During an OIG interview the subject admitted providing tobacco to an inmate in exchange for \$200. The subject stated the inmate's acquaintance sent the money to the subject via Western Union. The subject denied introducing any other contraband into the facility and denied providing contraband to any other inmate. The subject was indicted, arrested, and convicted in U.S. District Court, District of South Carolina, for violation of Title 18, USC, Section 1791(a)(1), Providing Contraband in Prison. The subject was sentenced to 36 months of probation and ordered to pay a \$10 assessment fee. (2011-05689/ OIG 2011009774)

Significant Prosecutions

- The OIG predicated an investigation on allegations that a female Education & Vocational Training employee at FCI Talladega provided tobacco products to an inmate in exchange for money. During the OIG investigation, additional allegations were made that the subject also provided the inmate with drugs and a cellular telephone in exchange for money and that she had a sexual relationship with the inmate. When interviewed by the OIG, the subject admitted to providing tobacco to the inmate on three occasions in exchange for \$2,000 she received from the inmate's father and sister. The subject denied having sexual relations with the inmate, and she denied introducing drugs or cell phones into the facility. The subject was indicted, arrested, and convicted in U.S. District Court, Northern District of Alabama, for violations of Title 18, USC, Section 201(b)(2)(C), Bribery, and Title 18, USC, Section 1791(a)(1) and (b)(5), Providing Contraband in Prison. She was sentenced to 24 months of probation and ordered to pay a \$110 special assessment fee. (2011-06705/OIG 2011011211)
- The OIG predicated an investigation on allegations that a male Correctional Services employee at FCC Yazoo City introduced tobacco into the medium security institution in exchange for money. The investigation determined the subject received \$2,500 via Western Union from the brother of an inmate housed at FCC Yazoo City. Additionally, the inmate's brother mailed \$2,500 in cash money and a quantity of bulk tobacco to a post office box at the direction of the subject. The subject subsequently admitted to the OIG that he provided an inmate with contraband in exchange for \$5,000. The subject was indicted in the Southern District of Mississippi for violations of Title 18, USC, Section 201(B)(2)(C), Bribery of a Public Official, and Title 18, USC, 1791(A)(1), Providing Contraband in Prison. The subject pled guilty to one count of Bribery and was sentenced to 15 months incarceration, 36 months supervised release, a \$1,500 fine, and a \$100 special assessment. (2012-02409/OIG 2012003313)
- The OIG predicated an investigation based on the receipt of information that the Tucson Police Department was investigating an off-duty incident wherein a male Correctional Services employee at FCC Tucson allegedly threatened his civilian girlfriend by pointing a loaded firearm at her. The subject was arrested on Arizona State charges of Domestic Violence and Aggravated Assault. The subject pled guilty to an Arizona State charge of Disorderly Conduct involving the reckless display of a deadly weapon. The subject was sentenced to 3 years of probation and ordered to pay a \$565 fine. (2012-06708/OIG 2012008981)
- The OIG predicated an investigation based on allegations from the State of Texas Attorney General's Office that a contract employee at FCI Seagoville illegally obtained inmates' personally identifiable information, which she then used to defraud the Texas Medicaid Program. The subject and her husband were arrested and pleaded guilty to an information charging them with conspiracy to commit false statements related to health care matters, in violation of Title 18, USC, Section 371 (Title 18, USC, Section 1035(a)(2)). The subject and her husband were sentenced to 60 months probation and

Significant Prosecutions

fined \$10,000 each. In a separate civil action filed by the Texas Attorney General's Office, the subject and her husband agreed to forfeit \$2,750,000 of which \$1,820,359.63 was distributed to reimburse the Texas Medicaid Program through the Texas Health and Human Services Commission, Office of Inspector General. (2013-03113/OIG 2010003467)

Types of Sustained Misconduct for BOP Employees - FY 2012 With 77.8 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		311	19	330
On-Duty Misconduct	64	245		309
Unprofessional Conduct	79	196		275
Failure to Follow Policy	124	144		268
Fiscal Improprieties	8	217		225
Off-Duty Misconduct			206	206
Breach of Security	80	97		177
Inattention to Duty	44	115		159
Inappropriate Relationships With Inmates	89			89
Introduction of Contraband	26	42		68
Investigative Violations		61		61
Sexual Abuse of Inmates	21			21
Unauthorized Release of Information	8	9		17
Abuse of Inmates	12			12
Bribery	5	0		5
Discrimination	0	0		0

Types of Misconduct

Abuse of Inmates

- Physical Abuse of Inmates
- Excessive Use of Force
- Threatening an Inmate/Verbal Abuse
- Retaliation

Sexual Abuse of Inmates

- Aggravated Sexual Abuse - §2241
- Sexual Abuse/Sexual Abuse of a Ward - §2242/2243
- Abusive Sexual Contact - §2244
- Unprofessional Conduct of a Sexual Nature

Introduction of Contraband

- Soft Item Introduction
- Weapons Introduction
- Escape Paraphernalia Introduction
- Money Introduction
- Marijuana Introduction
- Heroin & Derivatives Introduction
- Cocaine Introduction
- Other Unspecified Drugs Introduction
- Alcoholic Beverages Introduction
- Unauthorized Electronic Device Introduction
- Creatine/Weightlifting Supplement Introduction
- Cigarettes/Tobacco Introduction

Discrimination

Fiscal Improprieties

- Time and Attendance Irregularities
- Abuse of Sick Leave
- Voucher Falsification
- Theft/Misuse of Government Funds
- Theft/Misuse of Government Property
- Misuse of Government Computers
- Improper Procurement Procedures
- Failure to Pay Government Charge Card
- Misuse of Travel Charge Card
- Misuse of Purchase Charge Card
- Theft/Misuse of Employees' Club Funds
- Theft/Misuse of AFGE/Union Funds

- Theft of Inmate Funds
- Theft/Destruction of Inmate Property
- Theft/Misuse of Contractor Funds
- Theft/Misuse of Contractor Property
- Failure to Account for Inmate Funds/Property
- Theft of Employee Funds/Property
- Misuse of UNICOR Resources
- Contract Fraud

Bribery

- Bribery
- Conspiracy to Commit Bribery

Inappropriate Relationship With Inmates

- Soliciting/Accepting Anything of Value
- Offering/Giving Anything of Value
- Improper Contact With an Inmate/Inmate's Family
- Appearance of an Inappropriate Relationship
- Misuse of Inmate Labor
- Preferential Treatment of Inmates

Investigative Violations

- Concealing a Material Fact
- Refusing to Cooperate
- Lying During an Investigation
- Providing a False Statement
- Altering/Destroying Evidence/Documents
- Refusing to Submit to a Search
- Interfering With/Impeding an Investigation
- Advising Someone to Violate Policy
- Conducting an Unauthorized Investigation
- Lack of Candor

Personnel Prohibitions

- Threatening/Intimidating Employees (relates to personnel actions)
- Failure to Report Violation of Rules/Regulations
- Falsification of Employment Records
- Misuse of Official Position/Badge
- Inappropriate Supervisor/Subordinate Relationship
- Engaging in Prohibited Personnel Practices
- Use/Abuse of Illegal Drugs/Alcohol
- Absent Without Leave
- Retaliation

Refusing to Take a Drug Test

Unauthorized Release of Information

Other On-Duty Misconduct

Unprofessional Conduct of a Sexual Nature

Inattention to Duty¹

Failure to Respond to an Emergency

Failure to Properly Supervise Inmates

Breach of Security¹

Breach of Computer Security¹

Falsification of Documents

Unprofessional Conduct¹

Failure to Follow Policy¹

Gambling/Promotion of Gambling

Endangering the Safety of an Inmate

Endangering the Safety of Others

Providing False Information Other Than During an Official Investigation

Insubordination

Accidental Discharge of a Firearm

Soliciting/Sale of Goods on Government Property

Job Favoritism

Workplace Violence

Failure to Meet Performance Standards

Failure to Follow Supervisor's Instructions

Fraudulent Workers' Compensation Claims

Conduct Unbecoming a Management Official

Off-Duty Misconduct

Arrest and Conviction

Failure to Report Arrest

Failure to Pay Just Debts

Failure to Obtain Outside Employment Approval

DWI/DUI

Domestic Violence

Traffic Citation

Carrying an Unregistered/Concealed Firearm

Discreditable Behavior

Falsification of Records/Documents

Other Citation (Hunting, etc.)

Conflict of Interest

¹Due to the frequency of this type of misconduct, it is identified separately throughout this report.

Monitoring Assignments

Effective May 13, 2013

Alderson, WV	(b)(6),(b)(7)(C),(b)(7)(F)	Herlong, CA	(b)(6),(b)(7)(C),(b)(7)(F)
Aliceville, AL		Honolulu, HI	
Allenwood, PA		Houston, TX	
Ashland, KY		Jesup, GA	
Atlanta, GA		La Tuna, TX	
Atwater, CA		Leavenworth, KS	
Bastrop, TX		Lee, VA	
Beaumont, TX		Lewisburg, PA	
Beckley, WV		Lexington, KY	
Bennettsville, SC		Lompoc, CA	
Berlin, NH		Loretto, PA	
Big Sandy, KY		Los Angeles, CA	
Big Spring, TX		Manchester, KY	
Brooklyn, NY		Marianna, FL	
Bryan, TX		Marion, IL	
Butner, NC		Mendota, CA	
Canaan, PA		McCreary, KY	
Carswell, TX		McDowell, WV	
Chicago, IL		McKean, PA	
Coleman, FL		Memphis, TN	
Cumberland, MD		Miami (FDC & FCI), FL	
Danbury, CT		MXRO, MD	
Devens, MA		Milan, MI	
Dublin, CA		Montgomery, AL	
Duluth, MN		Morgantown, WV	
Edgefield, SC		New York, NY	
El Reno, OK		NCRO, KS	
Elkton, OH		NERO, PA	
Englewood, CO		Oakdale, LA	
Estill, SC		Oklahoma, OK	
Fairton, NJ		Otisville, NY	
Florence, CO		Oxford, WI	
Forrest City, AR		Pekin, IL	
Fort Worth, TX		Pensacola, FL	
Fort Dix, NJ		Petersburg, VA	
Gilmer, WV		Philadelphia, PA	
Grand Prairie, TX		Phoenix, AZ	
Greenville, IL		Pollock, LA	
Guaynabo, PR		Ray Brook, NY	
Hazelton, WV		Rochester, MN	

Monitoring Assignments

Effective May 13, 2013

Safford, AZ
San Diego, CA
Sandstone, MN
Schuylkill, PA
Seagoville, TX
SeaTac, WA
Sheridan, OR
SCRO, TX
SERO, GA
Springfield, MO
Talladega, AL
Tallahassee, FL

(b)(6),(b)(7)(C),(b)(7)(F)

Terminal Island, CA
Terre Haute, IN
Texarkana, TX
Three Rivers, TX
Tucson, AZ
Victorville, CA
.....(F)
Waseca, MN
WRO, CA
Williamsburg, SC
Yankton, SD
Yazoo City, MS

(b)(6),(b)(7)(C),(b)(7)(F)